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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,427	03/30/2004	Kimberley Friedman	5067.001	3367

7590 04/06/2006

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EXAMINER

SAMS, MATTHEW C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,427

Applicant(s)

FRIEDMAN ET AL.

Examiner

Matthew C. Sams

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (US-6,813,501 hereafter, Kinnunen) in view of Portman et al. (US-6,944,447 hereafter, Portman).

Regarding claim 1, Kinnunen teaches a method of distributing location-relevant advertising information over a wireless communications network to a system user comprising obtaining advertising information from advertisers (Col. 14 lines 38-48), the advertising information including advertising content and GPS coordinates (Col. 12 lines 8-30 and Col. 14 lines 38-48), storing the advertising information in a database (Fig. 2 [260] and Col. 12 lines 8-30), transmitting on the wireless communication network, advertising information to a receiver for display on an electronic display (Col. 11 lines 54-67), continually obtaining GPS coordinates of at least one receiver (Col. 10 line 8 through Col. 11 line 30), comparing the receiver GPS coordinates with GPS coordinates contained in advertising information (Col. 13 lines 14-21), but differs from the claimed invention by not explicitly reciting determining proximity between the receiver GPS coordinates and the advertising GPS coordinates and displaying the advertising content on the display based on proximity.

In an analogous art, Portman teaches a method and system for location-based services that includes determining the proximity between the receiver GPS coordinates and the advertising GPS coordinates and displaying the advertising content on the display based on proximity. (Col. 6 lines 13-34 and Col. 17 line 38 through Col. 18 line 43) At the time the invention was made, it would have been obvious to implement the location dependent information system of Kinnunen after modifying it to incorporate the proximity determining and listing of Portman. One of ordinary skill in the art would have been motivated to do this since it allows the user to minimize traveling distance when trying to find a specific service. (Col. 18 lines 53-67)

Regarding claim 2, Kinnunen in view of Portman teaches providing input to the receiver in the form of keywords (Portman Col. 18 lines 21-43), comparing the keywords associated with the advertising information (Portman Col. 11 lines 25-37 and Col. 18 lines 21-43) and displaying the advertising content for advertising information on the display based on the input. (Portman Col. 17 line 5 through Col. 18 line 67)

Regarding claim 3, Kinnunen in view of Portman obvious teaches the wireless communication network includes communication satellites when using GPS. (Kinnunen Col. 1 lines 44-54 and Portman Col. 6 lines 13-34)

Regarding claim 4, Kinnunen teaches a method of distributing location-relevant advertising information over a wireless communications network to a system user comprising obtaining advertising information from advertisers (Col. 14 lines 38-48), the advertising information including advertising content and GPS coordinates (Col. 12 lines 8-30 and Col. 14 lines 38-48), storing the advertising information in a database (Fig. 2

[260] and Col. 12 lines 8-30), charging advertisers a recurring fee for storing and transmitting the advertising information (Col. 16 lines 22-26), transmitting on the wireless communication network, advertising information to a receiver for display on an electronic display (Col. 11 lines 54-67), continually obtaining GPS coordinates of at least one receiver (Col. 10 line 8 through Col. 11 line 30), comparing the receiver GPS coordinates with GPS coordinates contained in advertising information (Col. 13 lines 14-21) and charging a receiver user a subscription fee for receiving advertising information. (Col. 10 lines 4-7) Kinnunen differs from the claimed invention by not explicitly reciting determining proximity between the receiver GPS coordinates and the advertising GPS coordinates and displaying the advertising content on the display based on proximity.

In an analogous art, Portman teaches a method and system for location-based services that includes determining the proximity between the receiver GPS coordinates and the advertising GPS coordinates and displaying the advertising content on the display based on proximity. (Col. 6 lines 13-34 and Col. 17 line 38 through Col. 18 line 43) At the time the invention was made, it would have been obvious to implement the location dependent information system of Kinnunen after modifying it to incorporate the proximity determining and listing of Portman. One of ordinary skill in the art would have been motivated to do this since it allows the user to minimize traveling distance when trying to find a specific service. (Col. 18 lines 53-67)

Regarding claim 5, the limitations of claim 5 are rejected as being the same reason set forth above in claim 2.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen in view of Portman as applied to claim 4 above, and further in view of Gottfurcht et al. (US-6,611,881 hereafter, Gottfurcht).

Regarding claim 6, Kinnunen in view of Portman teaches the limitations of claim 4 above, but differs from the claimed invention by not explicitly reciting the advertising content is displayed in a prioritized order based on the fees paid by the advertisers.

In an analogous art, Gottfurcht teaches displaying the advertising content in a prioritized order based on the fees paid by the advertisers. (Col. 1 lines 26-41) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the location dependent information system of Kinnunen in view of Portman after modifying it to incorporate the fee based prioritizing of Gottfurcht. One of ordinary skill in the art would have been motivated to do this since fee based prioritized listings is a common way for the communication network to generate revenue from the content providers using the network.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US-6,847,823 to Lehtikoinen et al. regarding a system and method for accessing local services with a mobile terminal.
- US 2004/0203909 to Koster regarding systems and methods for location dependent information downloading to mobile telephones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
3/22/2006

  
**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**

Note: The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.